

10, line 16 to page 11, line 5. Accordingly, no new matter has been added.

Issues Under 35 U.S.C. § 102(b)/103(a)

The Examiner has rejected claims 2-7 and 22-36 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Miller et al., USP 3,860,557 (hereinafter referred to as Miller '557). Applicants respectfully traverse.

Applicants respectfully submit that Miller '557 discloses superimposed layers achieved through the different dielectric constants and chargeability of separate powder coatings wherein each layer consists of a distinct powder coating. However, the Examiner is further asserting that Miller '557 discloses the use of distinct powder coatings having similar properties within the same layer. The Examiner is basing his entire argument upon two sentences found at column 4, lines 8-15 of Miller '557. The Examiner asserts that the disclosure therein refers to a mixture of different polymeric powders as in the present invention. However, Applicants respectfully submit that this disclosure refers to the use of different polymers within one powder.

On October 15, 1998, an interview was conducted with the Examiner and this argument was presented for a second time. However, the Examiner remained unpersuaded. At the time of the interview, Applicants additionally indicated that the present

invention relates to a powder coating composition having a homogeneous hue wherein the coating composition comprises two or more powder coatings having different colors. The Examiner asserted that by disclosing "two or more thermoplastic polymers", Miller '557 would inherently have different colors. It was the Examiner's contention that the different polymers would each have a different refractive index and thus, have different colors.

Applicants respectfully submit that this argument is not germane. Specifically, the present claims require that the different powder coatings have different colors. The disclosure by Miller '557 of different polymers in no way provides a basis for distinct powders having different colors. Furthermore, the present invention provides for a final coating having a homogeneous hue. How to achieve this result is also not provided or suggested by Miller '557. Accordingly, based upon these remarks alone with respect to the different colors contained in the separate powder coatings, the present claims are patentably distinguishable from Miller '557.

Applicants additionally assert that new claim 37 specifically requires the presence of at least one colorant in each powder coating. Miller '557 is completely deficient with respect to this limitation. Thus, claim 37 is additionally patentable over Miller '557.

In view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw all rejections and

allow the currently pending claims.

If the Examiner has any questions or comments with respect to the above issues, please the undersigned at the offices of BIRCH, STEWART, KOLASCH & BIRCH, LLP.


Pursuant to the provisions of 37 C.F.R. § 1.17 and 1.136(a), Applicants hereby petition for an extension of one (1) month to November 29, 1998 for the period in which to file a response to the outstanding Office Action. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: _____



C. Joseph Faraci

Reg. No. 32,350

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000


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